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September 23, 2004

Via Federal Express

The Honorable William D. Wall
United States Magistrate Judge
United States District Court
for the Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

PL FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
SEP 24 2004

★ BROOKLYN OFFICE ★

Re: *Tokyo Electron Arizona, LLC v. Discreet Industries Corp., et al.*
Civ. A. No. 01-3245 (DRH)(WDW)

Dear Judge Wall:

As the Court is aware, we represent Tokyo Electron Arizona, LLC ("TAZ") in the above matter. On August 10, the Court authorized TAZ to conduct post-judgment factual discovery relating to the assets of Discreet Industries Corporation and Ovadia Meron (collectively, "Discreet"). However, since that date, Discreet has met TAZ' discovery requests with refusal and delay. By this letter, TAZ seeks an order compelling Discreet and Meron to answer long-overdue interrogatories relating to its assets, and produce asset-related documents.

In 2003, TAZ served Discreet with asset-related interrogatories. Discreet responded but refused to answer any of these requests on relevance grounds. (Ex. A.) Following this Court's August 10 order re-opening discovery, TAZ demanded that Discreet immediately answer the interrogatories. TAZ was informed by letter that these would be replied to within 30 days. But TAZ has not received the response as promised.

On August 10, TAZ served Discreet with asset-related document requests. (Ex. B.) These documents should have been produced on September 11. As of today, Discreet has not even responded.

TAZ attempted to resolve the dispute regarding the long-overdue interrogatory responses with Discreet's counsel of record, Dennis Gleason, on September 1. Mr. Gleason informed us that responses would be forthcoming on the date due, but from Oleg Rivkin of the law firm Fox Horan and Camerini, who was to substitute for Mr. Gleason's law firm.

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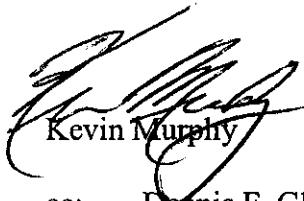
After September 1, we wrote two letters to Mr. Rivkin requesting whether his planned substitution would delay discovery. (Ex. C.) When Mr. Rivkin failed to answer those letters, TAZ filed its opposition to Mr. Gleason's motion to withdraw as counsel on September 10. (Ex. D.)

The Court has never allowed Mr. Gleason to withdraw as counsel as required under Local Rule 1.4. Since September 1, Mr. Gleason has refused to participate in any meet and confer in the case, referring discussions instead to Mr. Rivkin. (Ex. E.)

TAZ offered to withdraw its opposition to Mr. Gleason's motion so long as it received timely discovery responses from Mr. Rivkin. Again, TAZ' letters went unanswered. (Ex. F.) Mr. Rivkin has never committed to any date for the production of any response to TAZ' discovery requests. Discreet may well be secreting or dissipating its assets. Without discovery, TAZ has no way of knowing whether it can satisfy the \$9.9 million dollar judgment it secured against Discreet, or take any measures to preserve these assets, to the extent they still exist.

TAZ seeks an order compelling Discreet to produce responsive documents and provide substantive responses to its interrogatories no later than September 30. A proposed order is attached (Ex. G).

Respectfully submitted,



Kevin Murphy

cc: Dennis F. Gleason, Esq.
Oleg Rivkin, Esq.

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Robert C. Heinemann
Clerk of the Court
United States District Court
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225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Tokyo Electron Arizona, LLC v. Discreet Indus. Corp. & Ovadia Meron*
Civ. A. No. 01-3245 (DRH) (WDW)

Dear Mr. Heinemann:

We represent Tokyo Electron Arizona, LLC ("TAZ") in the above matter. Enclosed for filing is Tokyo Electron Arizona's September 23, 2004 letter to Judge Wall.

Respectfully submitted,

Kevin Murphy *CD*
Kevin Murphy
KM:ha

Enclosures

cc: Dennis F. Gleason, Esq.
Oleg Rivkin, Esq.

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**SEE COURT FILES FOR
EXHIBIT(S)**